

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

	) Case No. 10-03870-SC
JOHN SHIRLEY, individually and as	)
trustee of the JOHN F. SHIRLEY	) ORDER RE: SUBSTITUTION OF
and JULIE E. SHIRLEY 2003 TRUST,	) <u>COUNSEL</u>
and JULIE SHIRLEY,	)
	)
Plaintiffs,	)
	)
v.	)
	)
WACHOVIA MORTGAGE FSB, WELLS	)
FARGO BANK N.A., and DOES 1-10,	)
	)
Defendants.	)
	)
WACHOVIA MORTGAGE, a division of	)
WELLS FARGO BANK, N.A., formerly	)
known as WACHOVIA MORTGAGE, FSB,	)
	)
Third-Party Complainant,	)
	)
v.	)
	)
LSI TITLE COMPANY; LENDER	)
PROCESSING SERVICES, INC.;	)
FIDELITY NATIONAL INFORMATION	)
SERVICES, INC.; and ROES 1	)
through 10, inclusive,	)
	)
Third-Party Defendants.	)
	)
	)
	)

1 John Shirley ("Shirley") has filed a notice of substitution of  
2 counsel. ECF No. 74 ("Notice"). According to the Notice, Shirley  
3 intends to substitute himself as counsel of record in place of Ryan  
4 F. Thomas ("Thomas") and Roy N. Johnston ("Johnston"). Shirley  
5 would not only represent himself, but also his wife, Julie Shirley,  
6 and the John F. Shirley and Julie E. Shirley 2003 Trust ("the  
7 Trust").

8 The Court has several concerns with the Notice. First, it is  
9 unclear how Shirley intends to represent his wife and the Trust  
10 without engaging in the unauthorized practice of law. It appears  
11 that Shirley was admitted to practice law in the state of  
12 California but his bar status is no longer active. Second, Thomas  
13 and Johnston have not sought permission to withdraw as counsel  
14 pursuant to Civil Local Rule 11-5. Third, even if the Notice was  
15 valid, there appears to be no mechanism for Shirley to receive  
16 future court filings in this action.

17 For the reasons set forth above, the Court finds that the  
18 Notice is invalid. Thomas and Johnston shall continue to represent  
19 Shirley until they file the appropriate motions and have been  
20 relieved by the Court.

21  
22 IT IS SO ORDERED.

23  
24 Dated: May 17, 2012

25   
26 UNITED STATES DISTRICT JUDGE  
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